IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 13TH JUNE 2007 / 23RD JYAISHTA 1929

Crl.MC.No. 1840 of 2007()

CC.832/2003 of JUDL.MAGISTRATE OF FIRST CLASS, NADAPURAM

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PETITIONER:

ABOOBACKER, S/O KUNHABDULLA,
ARAKKANDAVIDA HOUSE, CHEKKIAD AMSOM,
UMMATHOOR DESOM, VADAKARA, KOZHIKODE DISTRICT.

BY ADV. SRI.P.SANJAY
SRI.M.MUHAMMED SHAFI

RESPONDENTS:

STATE OF KERALA REPD. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY P.P. SRI.GIKKU JACOB.

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 13/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 1840 OF 2007

Dated this the 13th day of June, 2007

ORDER

The petitioner is an accused who has been released on bail on condition that his passport is surrendered before the learned Magistrate. The petitioner only wants the passport back. One would normally expect the petitioner to apply before the learned Magistrate before whom the passport is surrendered at the first instance. He does not appear to have done that. At any rate, no such order passed by the learned Magistrate is produced or challenged before me. I am certainly of opinion that the petitioner must make an application before the learned Magistrate for release of the passport which has been surrendered before the learned Magistrate as a condition for bail. The learned Magistrate must consider such application on merits and pass appropriate orders. Needless to say, if the petitioner is aggrieved by

any such order, his rights to challenge the said order will remain unfettered by the dismissal of this Crl.M.C. Even if an earlier application is dismissed, the petitioner shall be at liberty to file fresh application showing all the reasons presently available to justify the release of the passport.

2. With the above observations, this Crl.M.C. is dismissed.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge